

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re: MARK SMITH
PAMJOI SMITH

Case No:16-32726/SLM

Judge:SLM

Chapter 13

Chapter 13 Plan and Motions

Original X Modified/Notice Required XX Discharge Sought
☐ Motions Included ☐ Modified/No Notice Required ☐ No Discharge Sought

Date: July 18, 2017

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

- a. The debtor shall have paid \$1,200.00 to date and shall pay \$150.00 per month to the Chapter 13 Trustee, starting on August 1, 2017 for approximately 50 months.
- b. The debtor shall make plan payments to the Trustee from the following sources:
 - XX Future earnings
 - ☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property:

Description:

Proposed date for completion: _____

XX Loan modification with respect to mortgage encumbering property:

Description: 905 Woodland Ave. Union, NJ

Proposed date for completion: November 30, 2017

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Trustee Bruce W. Radowitz IRS	Administration Administration Taxes	Unknown \$1,750.00 Per allowed Claim

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

Wells Fargo	905 Woodland Ave. Union, NJ	Unknown		To be brought current through loan modification	\$2,600.00
United Guaranty Residential Ins. Co.	114 S. Arlington Avenue, East Orange	\$24,274.60		To be brought current through loan modification	\$341.00

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
Seterus, Inc.	213 Reid Street, Eliz. NJ	\$75,000.00	Property being surrendered in full and complete satisfaction of the Debt.

<p>d. Secured Claims Unaffected by the Plan</p> <p>The following secured claims are unaffected by the Plan: DiTech mortgage loan on real property located at 114 South Arlington Avenue East, Orange New Jersey is current and will remain current outside the plan. Toyota Motor Credit car loan is current and will remain current outside the plan.</p>			
<p>e. Secured Claims to be Paid in Full Through the Plan:</p>			
Creditor	Collateral	Total Amount to be Paid Through the Plan	
Part 5: Unsecured Claims			
<p>a. Not separately classified allowed non-priority unsecured claims shall be paid:</p> <p><input type="checkbox"/> Not less than \$ _____ to be distributed <i>pro rata</i></p> <p><input type="checkbox"/> Not less than _____ percent</p> <p><input checked="" type="checkbox"/> <i>Pro Rata</i> distribution from any remaining funds</p>			
<p>b. Separately classified unsecured claims shall be treated as follows:</p>			
Creditor	Basis For Separate Classification	Treatment	Amount to be Paid
Part 6: Executory Contracts and Unexpired Leases			
<p>All executory contracts and unexpired leases are rejected, except the following, which are assumed:</p>			
Creditor	Nature of Contract or Lease	Treatment by Debtor	

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Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
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c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:			
Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

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Part 8: Other Plan Provisions			
a. Vesting of Property of the Estate XX Upon confirmation <input type="checkbox"/> Upon discharge			
b. Payment Notices Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.			
c. Order of Distribution The Trustee shall pay allowed claims in the following order: 1) Trustee commissions 2) Administration 3) Secured 4) Priority 5) General Unsecured			
d. Post-Petition Claims The Trustee <input type="checkbox"/> is, XX is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.			

Part 9: Modification			
If this Plan modifies a Plan previously filed in this case, complete the information below. Date of Plan being Modified: January 13, 2017			

Explain below **why** the plan is being modified: To correct and modify treatment of Creditors

Explain below **how** the plan is being modified:

The Time to obtain loan modification is being extended. The Mortgage Lien of United Guaranty is being included to reflect an arrearage and to be brought current through loan modification.

The IRS is being added as a Priority Creditor to be paid per an allowed Claim. The Debtor does not believe a balance is due.

The Claim of Ditech, Financial LLC for real property in MA with either be withdrawn or a Motion to Expunge the Claim.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☒ Yes for Schedule J ☐ No

Part 10: Sign Here

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The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: July 18, 2017

/s/ Bruce W. Radowitz, Esq
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: July 18, 2017

/s/Mark Smith
Debtor

Date: July 18, 2017

/s/Pamjoi Smith
Joint Debtor

Certificate of Notice Page 9 of 10
 United States Bankruptcy Court
 District of New Jersey

In re:
 Mark Smith
 Pamjoi Smith
 Debtors

Case No. 16-32726-SLM
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 40

Date Rcvd: Sep 25, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 27, 2017.

db/jdb
 cr +Mark Smith, Pamjoi Smith, 905 Woodland Avenue, Union, NJ 07083-7712
 +Robertson, Anschutz & Schneid, P.L., Bankruptcy Department, 6409 Congress Ave, Suite 100, Boca Raton, FL 33487-2853
 516522969 +AHS Overlook Med Ctr Opins 3 c/o, P.D.A.B Inc, 66 Ford Road Suite 114, Denville, NJ 07834-1300
 516522970 +Atlantic Health Systems, Po Box 35611, Newark, NJ 07193-5611
 516522971 +Capital One c/o, Eltman Law, PC, 101 Hudson St Ste 2702, Jersey City, NJ 07302-3929
 516522972 +City of Elizabeth, Department of Public Works, 50 Winfield Scott Plaza, Elizabeth, NJ 07201-2408
 516522974 +Cornell Hall Care & Rehabilitatiton Cent, c/o Romano & Romano, Esqs, 573 Bloomfield Avenue, Verona, NJ 07044-1818
 516522976 +Enterprise Recovery Sys, 840 S. Front Age Rd, Woodridge, IL 60517-4900
 516522978 +FIA c/o Weinberg & Assoc, 1200 Laurel Oak Road ste 104, Voorhees, NJ 08043-4317
 516522977 +Fedloan Servicing, Po Box60610, Harrisburg, PA 17106-0610
 516522982 +LVNV Funding c/o, Forster, Garbus & Garbus, 60 Motor Parkway, Commack, NY 11725-5710
 516522981 +Liberty Water, Po box 371852, Pittsburgh, PA 15250-7852
 516522983 +North Jersey Pediatric Orthopaedic, 140 Chestnut Street, Ste 201, Ridgewood, NJ 07450-2536
 516522984 Overlook at Union Imaging c/o, Summit Radiology Assoc, Po Box 1259, Port Chester, NY 10573-8000
 516522985 +Powers Kirn, 9 East Stow Road, Ste C, Marlton, NJ 08053-3159
 516522986 +Progressive Financial Services, Inc, Po Box 22083, Tempe, AZ 85285-2083
 516753195 +Seterus Inc. as servicer for Federal National Mort, P.O. Box 1047, Hartford, CT 06143-1047
 516522988 +Seterus c/o Stern Lavinthal, 105 Eisenhower Parkway, Suite 302, Roseland, NJ 07068-1640
 516522989 +Summit Radological Asso., dba Westfield Imaging Center, Po Box 460, Summit, NJ 07902-0460
 516522990 +TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
 (address filed with court: Toyota Motor Credit, 5005 N. River Blvd NE, Cedar Rapids, IA 52411)
 516624577 +Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013
 516719328 U.S. Department of Education, c/o FedLoan Servicing, P.O. Box 69184, Harrisburg, PA 17106-9184
 516522991 +Union EMA, Po Box 417442, Boston, MA 02241-7442
 516522993 #+Verizon Wireless, Po Box 26055, Minneapolis, MN 55426-0055
 516522994 +Verizon Wireless c/oMRS, 1930 Olney Avenue, Cherry Hill, NJ 08003-2016
 516727246 Wells Fargo Bank, N.A., Attn: Default Document Processing, MAC# N9286-01Y, 1000 Blue Gentian Road, Eagan, MN 55121-7700
 516522995 +Wells Fargo Home Mortgage, Po Box 10335, Des Moines, IA 50306-0335
 516522996 +Wells Fargo Mortgage, Po Box 6423, Carol Stream, IL 60197-6423

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. smg

Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534 U.S. Attorney, 970 Broad St.,
 smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Sep 25 2017 23:19:46 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 516522968 +E-mail/Text: bankruptcydepartment@tsico.com Sep 25 2017 23:20:23
 ADT Security c/o Transworld Systems, 507 Prudential Rad, Horsham, PA 19044-2308
 516596769 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Sep 25 2017 23:22:19
 American InfoSource LP as agent for, Verizon, PO Box 248838,
 Oklahoma City, OK 73124-8838
 516522973 E-mail/Text: ned-collections_bankruptcydocuments@comcast.com Sep 25 2017 23:20:13 Comcast,
 Po Box69, Newark, NJ 07101-0069
 516522975 +E-mail/Text: bankruptcy.bnc@ditech.com Sep 25 2017 23:19:31 DiTech Financial, LLC,
 PO Box 6172, Rapid City, SD 57709-6172
 516705394 E-mail/Text: bankruptcy.bnc@ditech.com Sep 25 2017 23:19:31
 Ditech Financial LLC fka Green Tree Servicing LLC, P.O. Box 6154,
 Rapid City, South Dakota 57709-6154
 516522979 E-mail/Text: cio.bncmail@irs.gov Sep 25 2017 23:19:23 Internal Revenue Service,
 Po Box 7346, Philadelphia, PA 19101-7346
 516522980 E-mail/Text: JCAP_BNC_Notices@jcap.com Sep 25 2017 23:20:00 Jefferson Capital Systems, LLC,
 16 McLeand Road, Saint Cloud, MN 56303
 516748933 E-mail/PDF: resurgentbknofications@resurgent.com Sep 25 2017 23:22:29 LVNV Funding LLC,
 c/o Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 516522992 +E-mail/Text: bankruptcygroup@ugcorp.com Sep 25 2017 23:20:04 United Guaranty,
 230 North Elm Street, Greensboro, NC 27401-2417
 516754779 +E-mail/Text: bankruptcygroup@ugcorp.com Sep 25 2017 23:20:04
 United Guaranty Residential Ins Co of NC, PO Box 20327, Greensboro, NC 27420-0327
 TOTAL: 12

District/off: 0312-2

User: admin
Form ID: pdf901

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Total Noticed: 40

Date Rcvd: Sep 25, 2017

***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

516522987 ##+Seterus, Po Box 2008, Grand Rapids, MI 49501-2008

TOTALS: 0, * 0, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court
immediately.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner
shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social
Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required
by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Sep 27, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system on July 18, 2017 at the address(es) listed below:

Bruce W. Radowitz on behalf of Joint Debtor Pamjoi Smith bradowitz@comcast.net,
r45676@notify.bestcase.com
Bruce W. Radowitz on behalf of Debtor Mark Smith bradowitz@comcast.net,
r45676@notify.bestcase.com
Denise E. Carlon on behalf of Creditor Toyota Motor Credit Corporation
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Denise E. Carlon on behalf of Creditor Ditech Financial LLC dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Jeanette F. Frankenberg on behalf of Creditor SETERUS INC., as servicer for FEDERAL NATIONAL
MORTGAGE ASSOCIATION cmecf@sternlav.com
Marie-Ann Greenberg magecf@magtrustee.com
U.S. Trustee. USTPRegion03.NE.ECF@usdoj.gov
William M.E. Powers on behalf of Creditor Wells Fargo Bank, N.A. ecf@powerskirn.com
William M.E. Powers, III on behalf of Creditor Wells Fargo Bank, N.A. ecf@powerskirn.com
TOTAL: 9